

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARK SPENCER and SHERRY SPENCER,

Plaintiffs,

v.

BAYER CORPORATION, et al.,

Defendants.

No. 09-0604-DRH

ORDER

HERNDON, Chief Judge:

Pending before the Court is Defendants' motion to stay (Doc. 11). Specifically, Defendants move the Court to stay this case pending a decision by the Judicial Panel on Multidistrict Litigation on the pending motion to transfer venue to the Eastern District of Pennsylvania under 28 U.S.C. § 1407. Defendants maintain that a stay will conserve judicial resources and prevent inconsistent rulings. Plaintiffs oppose the motion (Doc. 28). The Court agrees with Plaintiff. The Court finds that a stay is not warranted and that discovery should proceed. Whether the cases are transferred to the Eastern District of Pennsylvania or to this Judicial District, the discovery most likely will be similar and necessary to all the pending cases. Therefore, there is no need to delay the litigation and, thus, the Court **DENIES** Defendants' motion to stay. Lastly, the Court **DENIES** Plaintiff's motion request for hearing regarding Defendants' motion to stay and Plaintiff's opposition to Defendants' motion to stay (Doc. 29).

IT IS SO ORDERED.

Signed this 3rd day of September, 2009.

/s/ David R. Herndon
Chief Judge
United States District Court